

REMARKS

Claims 1-6, 8, 9 and 33-35 are pending in the present Application.

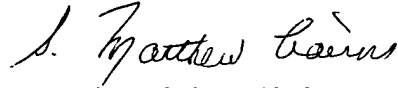
Claims 1-6, 8, 9 and 33-35 have been rejected under 35 USC § 102(e) as being anticipated by Allen et al. (US 6,420,441). Applicants respectfully traverse.

The '441 patent was first cited against claims in this Application in the Official Action mailed on June 18, 2003. In response to that Official Action, Applicants submitted a declaration of Dr. Michael K. Gallagher under 37 CFR § 1.132. (For the convenience of the Examiner, Dr. Gallagher's declaration, which is already of record, is included herewith.) Dr. Gallagher is a co-inventor of both the '441 patent and the present Application. In his declaration, Dr. Gallagher stated that the present invention was invented by himself, Robert M. Gore and Yujian You. The other co-inventors of the '441 patent (Drs. Allen, Annan, Blankenship and Lamola) contributed to the '441 patent in areas other than solution polymerization, such as in the areas of compositions suitable for porous materials, methods of preparing porous materials and the general concept of compatibilizing pore forming materials with a dielectric matrix. Thus, the polymerization process disclosed in the '441 patent was not invented by Craig S. Allen, Nikoi Annan, Robert M. Blankenship and Angelo A. Lamola. Accordingly, Applicants submitted that the '441 patent was disqualified as prior art under 35 US § 102(e) as it is not an invention "by another". See MPEP § 2136. Based on this, the '441 patent was withdrawn as a reference. See page 2 of the Official Action mailed on November 26, 2003.

Applicants submit that the rejections of claims 1-6, 8, 9 and 33-35 under 35 USC § 102(e) as being anticipated by the '441 patent is improper as the '441 patent has been disqualified as prior art. Applicants respectfully request that this rejection be withdrawn.

Applicants courteously request favorable reconsideration in the form of a notice of allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "S. Matthew Cairns".

S. Matthew Cairns, Ph.D.
Attorney for Applicant
Registration No. 42,378

EDWARDS & ANGELL LLP
PO Box 55874
Boston, MA 022059
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